

PARTIAL REGULATORY IMPACT ASSESSMENT

TITLE OF PROPOSAL: THE UNDERSIZED BASS ORDER

Purpose and intended effect of the proposals

Objective

1. To increase the number of larger bass around the coast of England.

Background

2. The Prime Minister's Strategy Unit's Report "Net Benefits" recommended that the four fisheries departments consider the evidence for the re-designation of bass as a sport fish, as in some circumstances the economic and social benefits of sea angling for specific species may provide a greater contribution to society than if they are commercially caught. Following stakeholder consultations within the Net Benefits English Inshore Fisheries Working Group it has been decided not to take forward this recommendation at this time, Instead, the Government is looking to increase the number of larger bass available to both commercial fishermen and anglers, as announced in "Charting a New Course".
3. The Government is looking to increase the size of bass, to increase the values of such landings, and to enable more fish to spawn. The biological parameters of bass are consistent around the UK; male bass mature at length 31 – 35 cm (aged 3 – 6 years) and females at 40 – 45 cm (aged 5 – 8) years. Fishing effort on bass is not subject to quota limits; sustainability of the stock is controlled through minimum landing size limits, corresponding mesh sizes and other measures.
4. To increase the value of the bass stock the Government is considering a range of measures. The first is to increase the MLS from 36 cm to 45 cm of bass that may be caught in UK fishery limits. This would apply to English fishing vessels wherever they may be (except when in the Welsh territorial sea, where vessels would be subject to Welsh MLSs), and Scottish, Northern Irish and Welsh fishing vessels when in the English part of UK fishery limits. Accompanying the proposal to increase the MLS, is a complementary proposal to increase the mesh size in enmeshing nets (such as gill, tangle, drift, trammel and seine nets) targeting bass. In effect only those vessels landing catches from these gears composing over 10% bass will be affected.
5. The subsequent package, on which further consultation will be conducted, may include measures such as bag limits for recreational sea anglers, near shore netting restrictions, closed areas and/or seasons and other gear restrictions.

Devolution

6. This proposal would apply to all UK registered vessels (with the exemptions given in para. 4).

Risk Assessment

7. The Drew Report¹ into the economic impact of recreational sea angling reported that in 2002 around 2 million people went sea angling at least once in England and Wales. The total expenditure by sea anglers in the UK on their sport (e.g. on fishing equipment, travel, food and accommodation) is estimated to be at least £1 billion annually. According to the BASS Management Plan², there are an estimated 400,000 anglers who fish primarily for bass.
8. UK Sea Fisheries Statistics show that in 2004 the commercial fishing industry in the UK comprised around 6,700 fishing vessels and some 650 thousand tonnes of sea fish were landed into the UK and abroad by the UK fleet with a total value of £513 million.
9. Approximately 1500 UK vessels are involved in catching bass, either by enmeshing nets, lining or trawling. In 2003, the UK commercial bass fishery was valued at £7.5 million.
10. The ICES report for 2004 states that bass stocks in ICES Sub-areas IV and VII appear to be fished sustainably. A succession of strong year classes since 1989 and relatively modest fishing mortality has enabled stock biomass to be sustained or increased in UK coastal waters since the mid-1990s.

Options

Option 1; do nothing.

Option 2; increase the minimum landing size (MLS) for bass in UK fisheries from 36cm to 45 cm and the mesh size for enmeshing nets from 90mm to 105mm.

Option 3; increase the MLS for bass by stages over a three year period, or a different period and increase the mesh size for enmeshing nets from 90mm to 105mm.

Option 4; increase the MLS for bass regionally, based on average landing sizes for each defined geographic area and apply corresponding increases in the mesh size for enmeshing nets from 90mm to 105mm.

Option 5; a staged increase in the MLS for bass to 55 cm and corresponding increases in the mesh size for enmeshing nets.

Benefits

11. **Option 1** Bass stocks are currently being fished sustainably, but this option presents no benefits in terms of realising any potential increase in the economic return from the stock other than as commercial and recreational fishermen's catches increase as the

¹ <http://statistics.defra.gov.uk/esg/reports/SeaAngling/default.asp>

² <http://ukbass.com/bassmanagementplan/index.html>

stocks continue to develop. However, it is unlikely to give an increased number of bigger fish.

12. **Option 2** Simulations imposing a MLS of 45 cm on the west coast bass fishery indicate how the numbers of bigger bass in the population and yields to the fishery might develop over the next 10 years. An effective MLS of 45 cm is approximated by removing all bass of 6 years and younger from the fishery's catch, and leaves many more fish to survive to be bigger than 45 cm. A measurable increase in the numbers of bass above 45 cm should be apparent by 2008/9. (Annex A sets out in detail the scientific advice underpinning this option and other elements of the RIA.)
13. The availability of larger bass to the recreational sector is expected to increase further the anglers' interest in this stock, leading to increases in tackle, bait, travel and accommodation expenditure and thus increasing the economic contribution of recreational sea angling to the UK economy. This is supported by a recent report produced as part of the South West 'Invest in Fish' Project³ which proposes that 'management policies should aim to increase the size of fish as well as the number of fish caught, as this has a major impact on the angling experience'. This report also attempts to quantify this increase in interest using the concept of 'willingness to pay' (WTP). Results in the report describe a high WTP on the part of anglers in relation to catches of favourite species (such as bass): to increase their catch from zero fish to one fish per day anglers have a WTP of £13.56 (though this decreases as catches increase). The report also outlines that anglers would pay £13.27 for a 50% increase in the size of individual fish. The Drew report findings are slightly different; a distinction is drawn between increases in fish size and diversity, where positive benefits to the angling experience are indicated, and numbers of fish, where benefits were less clear cut: only shore anglers were willing to pay more for more fish.
14. Landings for trawls, nets and lines would show initial declines following the introduction of an increased MLS, but these should recover and be close to or above the current level after 5 years. This analysis assumes that the larger bass will not be targeted as effectively as smaller fish, but the fishery is expected to adapt to any new management measures, and the recovery in landings to occur that much faster. However, any increase in the ability of the commercial fishery to catch bigger bass will have the effect of reducing the availability of larger fish to anglers. The main benefits of an increase in average fish size will accrue in the south west where fish can sell for in excess of £9 per kg (decreasing to approximately £1 per kg for poor quality bass caught during the spawning season). An increase in size will attract a higher value; approximately £4 - £6 per fish at current prices (based on average weight of bass at 36cm and 45cm).

Question: We would be grateful for any comments, in particular from merchants on these assumptions. Also, would any demand for plate-sized bass be effected by this proposal? If so, to what extent?

³'The Motivation, Demographics and Views of South West Recreational Sea Anglers and their Socio-economic impact on the Region'. Nautilus Consultants, May 2005.

15. Extensive trials to determine mesh selection characteristics for bass in enmeshing gears (drift and fixed nets) have shown that a minimum gill net mesh size of between 105 and 110 mm best complements an MLS of 45 cm for bass. This would ensure that the majority of bass caught in enmeshing nets are at or above 45 cm.
16. Introducing a 105 – 110mm minimum mesh size for all enmeshing nets would have consequences for fisheries where bass are not the target species. For this reason, the minimum mesh size is linked to bass fisheries where bass makes up at least 10% by weight of the catch.

Question: there is a possibility that increasing the mesh size to 105mm may increase catches of salmonids. Would this represent a significant problem or is legislation around the coast relating to fixed engines effective in reducing this impact? Are there any other means of mitigating this?

17. An equivalent increase in the mesh size for trawls has not been considered at this time because the chances of fish becoming enmeshed in the net (as opposed to being contained within the bag of the net) increases. Also, there is more chance that fish caught inside a relatively small-meshed net will survive being returned to the sea. There are two main trawl fisheries taking bass as a target species (the offshore winter fishery and the pair-trawl fishery along the Sussex coast).. There would, however, be an additional though unquantifiable mortality of bass under 45 cm due to discarding.

Question: To reduce discard levels in the trawl fishery and limit any short term losses to other commercial fishing sectors, would a temporary bycatch limit allowing 10% of the catch to comprise fish between 36cm – 45 cm for, say, 2 years after implementation?

18. An increase in the minimum landing size for bass to 45 cm would protect most bass to maturity and enable most female bass to spawn at least once (female bass in NW Europe first spawn at 42 – 45cm) before recruitment to the commercial fishery. It should be noted, however, that recruitment to bass stocks is currently high and that there is no problem with reproductive sustainability.
19. **Option 3** The benefits of Option 2 could be achieved over a longer time frame but with a reduced impact on the commercial catching sector if the increase to 45cm were to be reached through a process of staged increases. This could be achieved by staged increases of the MLS to 39 cm, 41 cm and 45 cm over a three year period. This would extend the time frame for achieving the objective of more bigger fish by around two years. A longer period would extend the time frame for achieving the objective even further.

Q. Would the lessened impact on catches from staging the increases be offset by the additional costs of replacing gear?

20. **Option 4** Commercial fishermen in the North West report very small catches of any bass above 45 cm and argue that the current proposal would simply put them out of business such that there would be no fleet to enjoy the projected benefits of more and

bigger fish. They have suggested that there should be a form of regionalisation of any increase in the MLS based on average landing sizes for defined geographic areas. In practice, this might only serve to consolidate the current exploitation patterns, and would create significant enforcement problems. Further there would be considerable opportunity for vessels to “invade” an area to fish for smaller fish thus creating pressure on the local stock.

21. **Option 5** The Bass Anglers Sportfishing Society’s Bass Management Plan have argued that the MLS should be increased to 55 cm, possibly via a stepped change over a number of years but moving to 45 cm in the first phase. However, it would be at least 6 years before fish currently protected by the 36 cm MLS were recruited to the commercial fishery at 55 cm. Even if such an increase in the MLS were to be introduced over a number of years, there is considerable doubt that bass over 55 cm would be available to many parts of the inshore fishery

Business sectors affected

22. The proposals will affect approximately 1500 commercial vessels. If the availability of larger fish generates an increased interest from anglers, the proposals would benefit the estimated 400,000 sea anglers (according to BASS), who regularly fish for bass and supporting industries including the tourism sector.

Issues of equity and fairness

23. The impact of the proposed regulations will fall on all those fishermen who take bass in their catches. Although bass landings will decrease in the short term, in the medium term (i.e. by 2008/9) we believe that there will be an increase in the number of larger bass taken in those parts of the commercial fishery where these fish are available. All fishermen using enmeshing gear whose catch is expected to comprise more than 10% bass will need to use mesh of at least 105 – 110 mm, although some vessels may already be using this larger size. It is also possible that very small fishing companies or individual vessels that rely very heavily on the market for bass could be adversely affected in the short term.
24. Merchants will also be affected by these proposals. The majority of catches landed by trawlers and the over 10m sector is sold through merchants. These proposals will reduce catches and therefore trade significantly in the short term. We believe that processors are likely to be less affected as their supplies are sourced primarily from farmed bass.

Compliance costs for business

25. **Option 1.** There would be no additional costs under Option 1.

26. **Option 2.** Enmeshing gear costs in the region of £300 (for 10 sheets , generally 200m stretched length) or £900 (for 10 sheets, completely rigged), although nets are usually replaced every 12 – 18 months. Some fishermen may already be using nets larger than the current 90mm mesh size.
27. Some fishermen prosecute bass in a particular season (many inshore fishermen), or when they are close to meeting quota allocations for other species (e.g. pair-trawlers). The majority of catches over the last few years are those measuring approximately 36 – 45 cm, which would be unavailable under this option. Simulations of the bass stock suggest that by 2008/9 the abundance of large fish available to the fishery should have increased significantly.
28. **Option 3.** A staged increase in the MLS would allow fishermen to keep a greater proportion of their present levels of catches initially, but at a cost of reduced benefits to the stock and fishery in the medium term. For example, it is estimated that loss of earnings to commercial fisheries of a two-year staged increase in MLS to 45 cm would be reduced by approximately 50% in the first year, but that immediate introduction of 45 cm MLS would outperform the phased scenarios by between 1 and 27% in each subsequent year. Simulations of the bass stock show that a significant increase in larger fish would not be seen for at least 5 years. A staged increase in the MLS would be introduced with complementary increases in mesh sizes; these would impose further additional costs on the fishery
29. **Option 4** It has not been possible to assess the compliance costs for this option, though they would be significantly less than for option 2 since there would be only a small loss of undersized bass from any one fishery with an MLS based on the average size of fish in the fishery.
30. **Option 5** Initial losses to the commercial catching sector would be the same as for those associated with a rise to 45cm (i.e. option 2) until the average size of the stock increased, but further losses would occur with the final stage of the increase in the MLS to 55 cm.

Impact on small businesses

31. This measure would apply to all UK registered vessels (with the exemptions given in para. 4). Approximately 95% of those fishing for bass work from vessels of 10 m or less. All companies affected by these proposals are understood to have less than 250 employees.

Other costs

32. The measures could give rise to further costs to Government if the economic impact on commercial fishers is such they have to resort to a greater call on social security benefits. Enforcement of the legislation would be undertaken through a joint agency

approach between the Marine Fisheries Agency and the local Sea Fisheries Committee. This would be achieved within existing budgets.

Competition Assessment

33. There would be no negative competitive impact arising from this measure. The proposal neither restricts the ability of firms to choose the price, quality, range or location of their products, nor will it lead to a differentiation in costs between new and existing commercial fishermen. The measure is unlikely to affect the market structure. No company associated with the commercial fishing sector has more than a 10% share of the English market.
34. The measures would not apply to fishing vessels from other Member States who either have historic rights to fish for demersal species such as bass within the 6 to 12 mile zone (mainly France and Belgium) or fish exclusively outside the 12 mile limit. They would be able to continue to fish for bass at the EU 36cm MLS. At present approximately 15 pairs of French vessels which target bass in the Western Channel. Other vessels would take bass as bycatch as and when shoals are encountered. They would not, therefore, suffer the short or medium term losses that are envisaged for UK fishermen and thus their competitive advantage would be increased.

Enforcement, sanctions, monitoring and review

35. Enforcement of the legislation would be undertaken through a joint agency approach by the Marine Fisheries Agency and the local Sea Fisheries Committees, on a targeted/risk assessment basis (as set out in the Hampton Principles of Inspection and Enforcement⁴). Penalties, fines, are consistent with other measures taken to restrict fishing activities. Their experience from enforcement activities, together with monitoring work by CEFAS, and anecdotal information from the coast, will all serve to provide information on the effectiveness of any measures in meeting the objective. We envisage conducting a formal review in 2008/9 when it should be possible to assess whether the abundance of large fish has increased significantly in line with simulations outlined in this RIA.

Results of consultation

⁴ <http://www.betterregulation.gov.uk/simplification/hampton.asp>

Summary and Recommendations

Declaration:

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed by the responsible Minister:.....

Date:.....

Department for Environment, Food and Rural Affairs

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